

McGLINCHEY STAFFORD PLLC

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March 30, 2005

"COPY"

Eric Thompson
Children's Rights, Inc.
404 Park Avenue South
New York, NY 10016

Re: *Oltvia Y., et al. v. Haley Barbour, et al.*; In the United States District Court for the Southern District of Mississippi, Jackson Division; Cause No. 3:04 CV 251LN

Dear Mr. Thompson:

This letter is in response to yours of March 25, 2005 to follow-up on your request for additional document production as also discussed during our conference of March 24, 2005, in which we addressed your concerns set forth in your letters of March 11 and March 14, 2005.

As for the impending case record review, we will forward a proposed protocol for case review once an acceptable location and method of review have been established.

In response to your letter of March 11, 2005 and in response to the concerns raised in our subsequent conference of March 24, 2005, please be advised of the following regarding the Plaintiff's First Request for Production of Documents:

1. Request No. 4: Without waiving prior objections, we will inquire as to whether MDHS has any additional documents which identify all data elements capable of being put into MACWIS.
2. Request Nos. 7, 8, 9, and 29: You have agreed that MDHS has provided responses that address these specific requests.
3. Request No. 13: MDHS will determine if it has reports in addition to the State Level Citizens Review Board DFC5 Five-Year Plan Review and Recommendation that was provided.
4. Request No. 16: MDHS does not have additional service array assessments. Without waiving prior objections, if additional assessments become available, MDHS will produce the same.
5. Request No. 18: MDHS does not maintain documents compiled in the form requested in Document Request No. 18.
6. Request No. 19: MDHS does not maintain documents compiled in the form requested in Document Request No. 19.



7. Request No. 32: As we discussed, the Defendants do not have custody and control of the requested records. The fact that the Governor is a named defendant does not mean that he has custody and control of documents. As I mentioned, these documents may be subpoenaed from the Mississippi Department of Health.

8. Request Nos. 33 and 34: As we previously stated in responses to Request Nos. 33 and 34, the Defendants will provide Plaintiffs with the State's Program Improvement Plan once it is finalized and approved by the United States Department of Health and Human Services.

Finally, please be advised that documents that are responsive to Plaintiffs' Requests for Production of Documents include consideration of electronic e-mail as well, if any.

Sincerely,

MCGLINCHY STAFFORD, PLLC

A handwritten signature in cursive script, appearing to read "Betty A. Mallett", written in dark ink.

Betty A. Mallett

BAM/dmf